

UNITED STATES DISTRICT COURT

FILED  
DISTRICT OF MASSACHUSETTS  
Civil Action Number: 2005 CV 10488 JLA

DEC 19 P 2:47

TIMOTHY HILLS,

Plaintiff

vs.

TOWN OF STOUGHTON,  
DAVID M. COHEN, Individually and  
MANUEL CACHOPA, Individually

Defendants

**ANSWER AND JURY CLAIM OF THE DEFENDANT,**  
**DAVID M. COHEN**

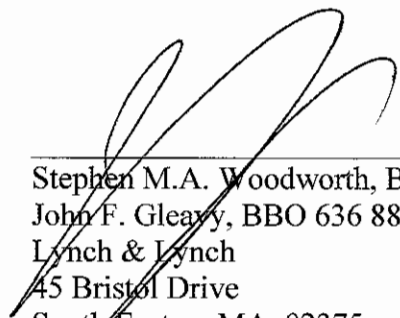
1. The defendant is without sufficient information to admit or deny this allegation.
2. The defendant admits this allegation.
3. The defendant admits this allegation.
4. The defendant admits this allegation.
5. The defendant admits this allegation.
6. The defendant admits this allegation.
7. The defendant denies this allegation.
8. The defendant denies this allegation.
9. The defendant denies this allegation.
10. The defendant denies this allegation.
11. The defendant denies this allegation.
12. The defendant denies this allegation.
13. The defendant denies this allegation.
14. The defendant denies this allegation.

15. The defendant repeats and re-alleges the allegations contained within paragraphs 1 through 14 as if contained fully herein.
16. The defendant denies this allegation.
17. The defendant repeats and re-alleges the allegations contained within paragraphs 1 through 16 as if contained fully herein.
18. The defendant denies this allegation.
19. The defendant repeats and re-alleges the allegations contained within paragraphs 1 through 18 as if contained fully herein.
20. The defendant denies this allegation.
21. The defendant repeats and re-alleges the allegations contained within paragraphs 1 through 20 as if contained fully herein.
22. The defendant denies this allegation.
23. The defendant repeats and re-alleges the allegations contained within paragraphs 1 through 22 as if contained fully herein.
24. The defendant denies this allegation.
25. The defendant repeats and re-alleges the allegations contained within paragraphs 1 through 24 as if contained fully herein.
26. The defendant denies this allegation.
27. The defendant repeats and re-alleges the allegations contained within paragraphs 1 through 23 as if contained fully herein.
28. The defendant denies this allegation.
29. The defendant repeats and re-alleges the allegations contained within paragraphs 1 through 28 as if contained fully herein.
30. The defendant denies this allegation.

THE DEFENDANT DEMANDS A TRIAL BY JURY ON ALL ISSUES PRESENTED.

**AFFIRMATIVE DEFENSES**

1. The plaintiffs' complaint fails to state a cause of action for which relief may be granted.
2. The plaintiff's action is barred by the statute of limitations.
3. This court lacks jurisdiction over the defendant.
4. The plaintiffs have failed to commence this action in the appropriate venue.
5. The plaintiffs' complaint should be dismissed as the plaintiff is guilty of laches and the defendant has suffered prejudice as a result of the plaintiffs' delay.
6. The plaintiffs' action is barred by the provisions of M.G.L. ch. 258.
7. The plaintiffs have failed to properly present his claim pursuant to M.G.L. ch. 258.
8. If the plaintiffs have suffered damages as a result of the acts or omissions of the defendant, which the defendants expressly deny, the plaintiffs' damages are limited by those statutes applicable to municipal tort liability.
9. The defendants are entitled to qualified immunity for any and all acts relative to the plaintiff's claims.



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John F. Gleavy, BBO 636 888  
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**AFFIDAVIT OF SERVICE**

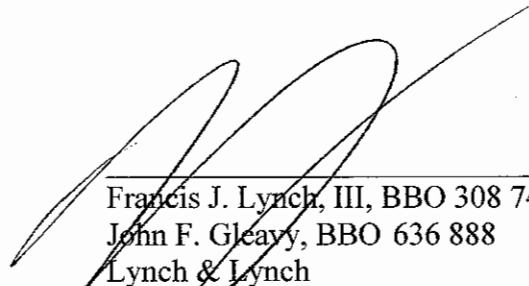
I, John F. Gleavy, attorney for the defendant, hereby certify that on December 16, 2005, I served the following documentation:

**ANSWER AND JURY CLAIM OF THE DEFENDANT,**  
**DAVID M. COHEN**

on all counsel of record by mailing same postage prepaid to the following:

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Colucci, Colucci & Marcus, P.C.  
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Charles D. Mulcahy, Esquire  
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